Notice of Allowability	**Application No.** 09/935,129	**Applicant(s)** SCHWEITZER ET AL.	
	Examiner Hai V. Nguyen	**Art Unit** 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to <u>the reply received on 17 June 2004</u>.

2. ☒ The allowed claim(s) is/are <u>32-49 which are renumbered 1-18</u>.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some*   c)☐ None of the:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a)☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

      1)☐ hereto or 2)☐ to Paper No./Mail Date _____ .

    (b)☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date <u>05 August 2004</u>.

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

ZARNI MAUNG
PRIMARY EXAMINER

Examiner Amendment/Comment

1.   Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2.   Authorization for this examiner's amendment was given in a telephone interview with Applicant's Agent, Mr. Kevin J. Zilka, registration # 41,429 on 06 August 2004.

IN THE CLAIMS

Please amend claims 44, 45 as follows:

44.   (Amended)   A computer program product <u>embedded into computer readable medium</u> for reporting on the collection of network usage information from a plurality of network devices, comprising:

(a) computer code for collecting network communications usage information in real-time from a plurality of network devices at a plurality of layers utilizing multiple gatherers each including a plurality of information source modules each interfacing with one of the network devices and capable of communicating using a protocol specific to the network device coupled thereto, the network devices selected from the group consisting of routers, switches, firewalls, authentication servers, web hosts, proxy servers, netflow servers, databases, mail servers, RADIUS servers, and domain name servers, the gatherers being positioned on a segment of the network on which the

network devices coupled thereto are positioned for minimizing an impact of the

gatherers on the network;

(b) computer code for filtering and aggregating the network communications

usage information;

(c) computer code for completing a plurality of data records from the filtered and

aggregated network communications usage information, the plurality of data records

corresponding to network usage by a plurality of users;

(d) computer code for storing the plurality of data records in a database;

(e) computer code for allowing the selection of one of a plurality of reports for

reporting purposes;

(f) computer code for submitting queries to the database utilizing the selected

reports for retrieving information on the collection of the network usage information from

the network devices; and

(g) computer code for outputting a report based on the queries.

45.   (Amended)   A system comprising computer readable medium for reporting on

the collection of network usage information from a plurality of network devices,

comprising:

(a) information source modules for collecting network communications usage

information in real-time from a plurality of network devices at a plurality of layers utilizing

multiple gatherers each including a plurality of information source modules each

interfacing with one of the network devices and capable of communicating using a

protocol specific to the network device coupled thereto, the network devices selected

from the group consisting of routers, switches, firewalls, authentication servers, web

hosts, proxy servers, netflow servers, databases, mail servers, RADIUS servers, and

domain name servers, the gatherers being positioned on a segment of the network on

which the network devices coupled thereto are positioned for minimizing an impact of

the gatherers on the network;;

     (b) gatherers coupled to the information modules, the gatherers adapted for

filtering and aggregating the network communications usage information;

     (c) a central event manager coupled to the gatherers, the central event manager

adapted for completing a plurality of data records from the filtered and aggregated

network communications usage information, the plurality of data records corresponding

to network usage by a plurality of users;

     (d) a database coupled to the central event manager, the database adapted for

storing the plurality of data records;

     (e) logic for allowing the selection of one of a plurality of reports for reporting

purposes, submitting queries to the database utilizing the selected reports for retrieving

information on the collection of the network usage information from the network devices,

outputting a report based on the queries.

Drawings

3.   The drawings filed on 21 August 2001 are acceptable subject to correction of the

informalities (i.e., handwritten, fuzzy figures). In order to avoid abandonment of this

application, correction is required in reply to the Office action. The correction will not be

held in abeyance.

Reasons For Allowance

4.   The following is an examiner's statement of reasons for allowance:

5.   The primary reason for allowance of the claims is based on Applicant's

"Declaration Of Prior Invention In The United States Or In A NAFTA Or WTO Member

Country To Overcome Cited Patent Or Publication Under 37 C.F.R. section 1.131"

received on 17 June 2004 and Applicant's "Terminal Disclaimer To Obviate A Double

Patenting Rejection Under 37 C.F.R. 1.321(c)" received on 22 January 2004.

6.   The Examiner's interpretation of the claim language is also based upon

Applicant's the enabling portions of the specification, (Fig. 1, pages 10-22, Abstract) and

Applicant's remark on page 8 of paper "Amendment B" received on 17 June 2004.

Therefore, Applicant's instant claims are considered to be allowable.

7.   Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

8.   **Claims 32-49 which are renumbered as 1-18** are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen
Examiner
Art Unit 2142

ZARNI MAUNG
PRIMARY EXAMINER